

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

PHILLIP PETRONE, et al.,)	
)	
Plaintiffs,)	8:11CV401
)	
v.)	
)	
WERNER ENTERPRISES, INC.,)	ORDER
d/b/a WERNER TRUCKING, and)	
DRIVERS MANAGEMENT, LLC,)	
)	
Defendants.)	
)	

This matter is before the Court pursuant to an oral motion made by plaintiffs during a planning conference with the Court held June 21, 2013. Plaintiffs estimate that 100-150 opt-in notices from potential plaintiffs were likely sent to but not received by plaintiffs' counsel due to an unidentified breakdown in mail delivery. Plaintiffs moved the Court to allow for further communications with potential members of the class to address the delivery problem, to which defendants object. The Court heard oral argument on the motion from counsel and now rules as follows:

IT IS ORDERED:

- 1) Plaintiffs' counsel will produce a draft of a short, simple statement to the potential class members who have not yet opted in. The draft will state that plaintiffs' counsel has not yet received a response from that person, and that any response

must be sent to plaintiffs' counsel by August 1, 2013. The statement may be in the form of a post card.

2) Plaintiffs' counsel will show the draft statement to defendants' counsel, and the parties will attempt to agree as to the proposed language for the statement. If agreement is not achieved, the Court will hold an additional telephonic hearing with counsel in order to resolve the issue.

3) Plaintiffs' counsel will mail the statement to the approximately 25,000 potential plaintiffs who have not yet opted in.

DATED this 21st day of June, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court